

**NOTICE OF PROPOSED ACTION
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2019 INTERVENING CODE CYCLE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
(BSC 04/19)**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. CBSC is proposing building standards related to the 2019 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11).

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **April 10, 2020**, until **5:00 PM** on **May 26, 2020**.

Please address your comments to:

California Building Standards Commission
Attention: Mia Marvelli, Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Written comments may also be emailed to CBSC@dgs.ca.gov.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18928, 18929.1, 18930.5, and 18940.5.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 18928, 18930.5, 18931.7(b), 18940.5, and 18941.10.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

H&SC 18928 states that each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

H&SC 18929.1 states that CBSC shall receive proposed building standards from state agencies for consideration in an 18-month code adoption cycle. The commission shall develop regulations setting forth the procedures for the 18-month adoption cycle.

H&SC 18930.5 grants CBSC the authority, if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, to adopt, approve, codify, update, and publish green building standards for those occupancies.

H&SC 18931.7(b) Building Standards Administration Special Revolving Fund; availability of monies

(b) Moneys deposited in the fund shall be available, upon appropriation, to the commission, the department, and the Office of the State Fire Marshal for expenditure in carrying out the provisions of this part, and the provisions of Part 1.5 (commencing with Section 17910) that relate to building standards, as defined in Section 18909, with emphasis placed on the development, adoption, publication, and updating of green building standards, the updating of verification guidelines for Tier 1 or Tier 2 green building standards and educational efforts, including, but not limited to, training for local building officials associated with green building standards.

H&SC 18940.5 As part of the next triennial update of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2014, agencies that propose green building standards for inclusion in Part 11 of Title 24 of the California Code of Regulations shall, to the extent that it is feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of Title 24 of the California Code of Regulations. For purposes of compliance with this section, the republication of the provisions of Part 11 of Title 24 of the California Code of Regulations in other parts of Title 24 of the California Code of Regulations shall not be considered duplication in violation of paragraph (1) of subdivision (a) of Section 18930.

H&SC 18931.10 Installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development; adoption of mandatory standards; consultation with interested parties.

In proposing and adopting mandatory building standards under this section, the Department of Housing and Community Development and the commission shall use Sections A4.106.6, A4.106.6.1, A4.106.6.2, A5.106.5.1, and A5.106.5.3 of the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations) as the starting point for the mandatory building standards and amend those standards as necessary. And shall actively consult with interested parties, including, but not limited to, investor-owned utilities, municipal utilities, manufacturers, local building officials, commercial building and apartment owners, and the building industry.

Summary of Existing Regulations

The California Green Building Standards Code, Part 11 of Title 24 of the California Code of Regulations (CCR), also known as the CALGreen Code, is amended for inclusion into the 2019 CALGreen Code supplement effective July 1, 2021.

The CALGreen Code contains the green building standards for various mandatory and voluntary regulations that will be amended as necessary based on the proposed code changes.

Summary of Effect

This proposed action will implement the proposed modifications to the California Green Building Standards Code for buildings within CBSC authority. The proposed amendments are mostly editorial and non-substantive with no intended change in regulatory effect. However, there are few amendments that are substantive. The substantive changes include Increasing the Electric Vehicle infrastructure percentages for both the mandatory and the voluntary provisions.

Once filed with Secretary of State, the standards will be codified and published by January 1, 2021, and will become effective July 1, 2021.

The Initial Statement of Reasons (ISOR) provides a complete description of the proposed building standards effect.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to the proposed editorial updates to the CALGreen Code.

Policy Statement Overview

The broad objectives of the regulation are to propose changes to the building standards for electric vehicle infrastructure for statewide application. The specific benefits anticipated by the proposed amendment is to realize substantial environmental benefits through reduction in energy use, greenhouse gas emissions, criteria pollutants, and fossil fuel dependency leading to improved public health.

CBSC is responsible for the development of green building standards for nonresidential occupancies for which no other state agency has authority or expertise.

Evaluation of Consistency

CBSC has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO THE SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. CBSC does not have authority to impose building standards or regulations on school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

Estimate: Any additional expenditure resulting from this proposed action would be minor and absorbable within the existing budget and resources of CBSC.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

CBSC has made an initial determination that the adoption, amendment or repeal of this regulation will increase the cost of new nonresidential construction marginally, which will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

Regarding the proposal to increase the electric vehicle infrastructure percentages in both the mandatory and voluntary code provisions, CBSC conducted a stakeholder workshop on August 20, 2019, which was attended by state agencies, interested parties and stakeholder representatives such as the California Air Resources Board (CARB), California Energy Commission, Department of Housing and Community Development, California Department of Public Health, California Building Industry association, Electric Vehicle Charging Association, Tesla, Southern California Edison, Underwriters Laboratory, Energy Solutions, various local enforcing agencies, and private consultants. Based on testimony presented at the workshop and comments received from various stakeholders, CBSC proposes to increase the percentages as suggested at the workshop.

CBSC has made an initial determination that this regulatory action would increase costs marginally to California business enterprises representing less than 0.1 percent of the total new construction costs of nonresidential buildings over the 4-year life of the amendments and between 1 and 4 percent of the \$20,000 to \$80,000 initial construction cost per parking space with significant benefits to Californians due to improved air quality and GHG emissions reduction.

This determination is based on comments received at the workshop and the cost benefit analysis provided by the California Air Resources Board "California Air Resources Board, *Electric Vehicle (EV) Charging Infrastructure: Nonresidential Building Standards, CARB Technical and Cost Analysis*, September 30, 2019". BSC has shown in the Economic and Fiscal Impact Statement (399) and the Initial Statement of Reasons (ISOR) that the electric vehicle regulations pose a marginal increase but do not pose a significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

CBSC has assessed the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

CBSC is aware of initial cost impacts that a representative private person or business could incur in reasonable compliance with the proposed action. However, it is also anticipated that such costs would be recouped in long-range savings expressed in utility and

transportation costs, worker productivity, health costs, and goodwill. The Initial Statement of Reasons and the Economic and Fiscal Impact Statement support this statement.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Reference: Government Code Section 11346.5(a)(10).

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations may cause some jobs to be created for the installation, maintaining and manufacturing of Electric Vehicle Supply Equipment (EVSE). No jobs are expected to be eliminated within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations may cause the creation of businesses that expand into the EV market. These regulations will not affect the elimination of jobs within the State of California.

C. The expansion of businesses currently doing business within the State of California.

These regulations will likely promote the expansion of businesses currently involved with EV manufacturing, installation, maintenance and technology development within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will increase the sustainability of Californians natural resources by reducing fuel use, GHG emissions, criteria pollutants, and fossil fuel dependence. Additionally, updating and clarifying the minimum current CALGreen codes will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

CBSC has determined that this proposal would not have a significant effect on housing costs. CBSC does not have authority to impose building standards or regulations affecting housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

CBSC has determined that no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(21).

CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No.: (916) 263-0916
E-mail: Michael.Nearman@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Enrique M. Rodriguez, Associate Construction Analyst
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0845
E-mail: enrique.rodriquez@dgs.ca.gov

Designated Back-Up Contact Person

California Building Standards Commission
Michael L. Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

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